

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTOLIN ANDREW MARKS,

Plaintiff,

v.

TOM GILES *et al.*,

Defendants.

Case No. C07-5572RJB

ORDER

This 42 U.S.C. § 1983/Bivens action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4.

Mr. Marks now litigates under a sanction as a result of improper filings. As part of that sanction documents filed by Mr. Marks are submitted under seal for court review. Mr. Marks has filed one document since the yesterdays order (Dkt. # 5). Dkt. # 5 contains forms curing Mr. Marks in forma pauperis application. **Dkt. # 5 is now UNSEALED.**

Further, Plaintiff's application for leave to proceed *in forma pauperis* as amended (Dkt. #1, and

1 5) is GRANTED. Plaintiff does not appear to have funds available to afford the \$350.00 court filing fee.
2 The court is aware that there is an issue as to whether Mr. Marks has funds in the form of checks
3 available to him, however, that is an issue that should be fully briefed by the parties prior to the court
4 considering if Mr. Marks can pay a partial or full filing fee in this case.

5 The Clerk is directed to mail a copy of this Order to plaintiff.

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8 DATED this 29TH day of November, 2007.

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10 /s/J. Kelley Arnold
11 J. Kelley Arnold
12 United States Magistrate
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